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ABSTRACT

The University of Alabama in Birmingham's 1975 faculty handbook outlines the university's organization, governance, and purpose. Details of personnel policies regarding appointment, promotion, tenure, resignation, termination and grievance procedures are provided as is information of faculty roles and responsibilities, salaries, fringe benefits, and facilities and services available. (JMF)

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1975 FACULTY HANDBOOK 1976

U S DEPARTMENT OF HEALTH
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Dear Colleagues:

The development and progress of The University of Alabama in Birmingham are largely dependent upon the ability to attract a capable and creative faculty. Thus, the atmosphere in which each member of the faculty has an opportunity for both personal and professional growth is of the utmost importance. In recognition of the important role that personal financial security plays in this regard, the Trustees and Administration of the University make a continuing effort to improve the employment and retirement benefits of the faculty and staff.

For your information and use, this manual has been prepared to acquaint you with the University's policies regarding the financial and employment responsibilities of both the institution and the individuals associated with it. The information contained herein, hopefully, will contribute toward an understanding of the ongoing efforts to maintain satisfying and rewarding relationships between the University, its faculty and staff.

Sincerely yours,

Joseph F. Volker
President

This Handbook became effective July 1, 1975. The provisions of this Handbook apply to all faculty members, including those originally employed under the provisions of an earlier document, except in those unusual cases in which application of a new provision will effect an arbitrary and unreasonable damage to or loss of any benefit to the faculty member.

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Introduction

This Faculty Handbook of The University of Alabama in Birmingham is issued by the President of UAB under the laws of the state of Alabama and the regulations of The Board of Trustees of The University of Alabama.

The Code of Alabama Recompiled 1958, Title 52, S.S. 492 states in part

> "The board of trustees have the power to organize the university by appointing a corps of instructors, who shall be styled the faculty of the university, and such other officers as the interest of the university may require; to remove such instructors or officers, and to fix their salaries or compensation, and increase or reduce the same at their discretion; to institute, regulate, alter or modify the government of the university, as they may deem advisable; to prescribe courses of instruction, rates of tuition, price of board, and regulate the necessary expenses of students; and to confer such degrees as are usually conferred by similar institutions. They may delegate to the faculty of the university, or other officers, such powers and functions in the government of the students, and in the administration of the affairs of the university, as they may deem proper: . . ."

Further, The Board of Trustees Policy Manual, Section 2-7.5 indicates:

> "The Board authorizes the three Presidents to handle matters of tenure, promotion, dismissal, and academic freedom with regard to faculty and staff members in their respective institutions (BD 19 86 4-8-72)."

The provisions of the Handbook have been the subject of a period of almost two years of extensive discussions by a large number of faculty groups, and the Handbook represents a compilation of many thoughts. It is hoped that it will serve to provide a framework for the equitable conduct of faculty affairs at UAB. As the need arises for revision in this document in the future, a similar process of extensive consultation with the faculty will be followed through use of the University Committee on Faculty Policies and Procedures described in Section 3.10. Anyone having suggestions for changes in the provisions of this Handbook should direct them to the Chairman of this Committee.

1.
Organization

1.1 GOVERNANCE

The University of Alabama was projected in the Constitutional Convention in Huntsville, Alabama Territory, on June 5, 1819. The University was opened for admission of students on April 18, 1831 at Tuscaloosa.

During the first half of the present century, in addition to its regular educational programs at the Tuscaloosa campus, the University began to offer additional educational opportunities to citizens in the urban communities throughout Alabama. Extension centers, open for both day and night classes, were established in Birmingham, Huntsville, Montgomery, Mobile, Dothan, and Gadsden. The Birmingham and Huntsville centers were the nuclei for the two new University campuses which later were established in addition to the Tuscaloosa campus.

In September 1966, all University operations in Birmingham were designated as the University of Alabama in Birmingham by the Board of Trustees, with the University Extension Center being transformed into a four-year, degree-granting institution. By this action, the University of Alabama in Birmingham became one of the three major campuses of the University. The University of Alabama in Huntsville had been established in 1964 as a four-year school.

In June 1969 the campuses were given independence within the framework of the University of Alabama System, each having its own administrative structure with a President as the chief executive officer.

In 1972 the University of Alabama System Medical Education Program was established by The University of Alabama Board of Trustees' action in adopting a report of the Special Committee of the Board for System Medical Education Programs at its meeting on November 18, 1972. This policy states that the medical program on all three campuses will be centrally directed by the Vice President for Health Affairs of The University of Alabama in Birmingham, working with the then Council of Presidents, now the University of Alabama System Council. By action of The Board of Trustees on November 11, 1974, Family Practice and all other medical residency programs are included in the

scope of the University of Alabama System Medical Program, centrally directed by the Vice President for Health Affairs of The University of Alabama in Birmingham.

The University of Alabama System is governed by a Board of Trustees comprised of the Governor of the State and the Superintendent of Education as *ex-officio* members; two members from the Fifth Congressional District; and one member from each of the other Congressional Districts. Except for the *ex-officio* members, each new Board member is elected by the remaining members of the Board subject to confirmation by the State Senate. Should the Senate not confirm an election of a member by the Board, the Senate has the prerogative of making the selection. Each elected member's term of office is for twelve (12) years, and each member may be reelected upon expiration of term. Members of the Board of Trustees serve The University of Alabama without compensation.

The University of Alabama System has a full-time staff which provides liaison with the campus administrations for the Board and its various committees.

The Board has delegated to a President at each campus the authority to administer the policies and programs of that institution. A System Council, comprised of the three Presidents and selected members of the System staff, makes recommendations to the Board concerning matters affecting the common interests of The University of Alabama System. They also act on matters of intercampus significance not requiring Board approval.

The University of Alabama in Birmingham was accredited as an independent educational institution in 1970 by the Southern Association of Colleges and Schools and the accreditation was reaffirmed in 1974. Individual schools and programs at UAB have been accredited, where appropriate, by independent accrediting groups. Individual school bulletins should be consulted for specific information. The University of Alabama in Birmingham consists of the following academic units:

the Medical Center with the following schools and hospitals:

a. School of Community and Allied Health Resources
b. School of Dentistry
c. School of Medicine

d. School of Nursing
e. School of Optometry
f. The University of Alabama Hospitals

the University College with its component units:

a. School of Business
b. School of Education
c. School of Engineering
d. School of Humanities
e. School of Natural Sciences and Mathematics
f. School of Social and Behavioral Sciences
g. Mervyn H. Sterne Library

the Graduate School

1.2 PURPOSE:

The special purposes of The University of Alabama in Birmingham are defined in a "Statement of Purpose" adopted by The Board of Trustees in the spring of 1973.

> The University of Alabama in Birmingham has responsibility for the education of its students, for the extension of knowledge through research, and for such service to society as can be performed through making available its resources of knowledge and expertise. This University shares these broad responsibilities with all modern universities; but at the same time, its unique history and urban location distinguish it among these institutions and exact of it certain special responsibilities. Its heritage requires that it should continue its growth as a major health center, and its urban location requires that it should provide resources and opportunities for higher education in many other areas for those in its region.

An urban institution, The University of Alabama in Birmingham is located in the center of an area containing more than three-fourths of a million people; more than one-fifth of the state's population lives within twenty-five (25) miles of the University campus. The UAB campus, located on the periphery of downtown Birmingham, is being expanded through urban renewal to a 60-square-block, or 241-acre area.

With its resources for investigation and fact-finding, and its ability to apply the knowledge of a large and diversified faculty to solving the problems of the area, the University endeavors to make a distinctive contribution to the Birmingham community.

2.

Equal Employment Opportunity Policy of The University of Alabama in Birmingham

President's Statement

The University of Alabama in Birmingham hereby reaffirms its policy of equal employment opportunity. The University of Alabama in Birmingham is expressly committed to a program of affirmative action in maintaining and promoting nondiscrimination in all aspects of recruitment and employment of individuals at all levels throughout the University. Specifically, it is the intent of the University to recruit, hire, and promote all personnel without regard to race, color, religion, sex or national origin. Further, the University will not deny the same consideration to persons who are physically or mentally handicapped. All employment actions will be decided upon the individual's qualifications, merit and professional ability, and in conformance with all current legal requirements. All personnel actions, programs, and facilities will be administered in accordance with equal employment opportunity policy, including: Recruitment, selection, assignment, classification, promotion, demotion, transfer, layoff and recall, termination, determination of wages, terms, conditions and benefits of employment, selection for training or retraining, and social and recreational programs.

An administrative committee has been appointed to provide information on the status of equal employment and affirmative action on a continuing basis. In addition, representatives have been appointed as Equal Opportunity Officers for both academic and for non-academic personnel. The Equal Opportunity Officers serve as an extension of the President's Office and are directly responsible for the administration of the Affirmative Action Plan. Each academic unit of the University elects an academic affirmative action representative. These individuals, together with the University's Academic Affirmative Action Officer as chairman, comprise the UAB Academic Affirmative Action Committee advising me on equal employment opportunity and affirmative action matters.

To realize the declarations set forth above, the University will, in all solicitations and advertisements for employees placed by or on behalf of the University, state its position as an equal opportunity employer. The University will engage the services of only those professional organizations, employment agencies, contractors or agents whose policies are in alignment with the equal employment opportunity policy of the University. The University will broadly publish and circulate its policy of equal employment opportunity by inclusion in all correspondence, media communications, and printed matter for employment purposes. Further, the University will consider through appropriate and designated procedures the complaint or grievance of any individual who has reason to feel he or she has been affected by discrimination because of race, color, religion, sex or national origin.

Further, as an institution of higher education, and in consonance with its policy of equal employment opportunity, the University hereby declares its policy of equal educational opportunity. All applicants for admission will be considered solely upon the basis of individual qualifications. All available student job opportunities will be distributed without regard to an applicant's race, color, religion, sex or national origin. This policy will be noted in all student handbooks, and the complaint or grievance of any student or prospective student who has reason to feel he or she has been affected by discrimination will be considered through appropriate procedures.

3.
Appointment, Promotion, Tenure, Resignation, Termination, and Grievance:

The University of Alabama in Birmingham (hereafter referred to as the University) is made up of diverse academic units, each with its own special needs. The general policies set forth in this section are to serve as overall guidelines in the administration of faculty matters and in meeting the University's Statement of Purpose (see Section 1 of this Handbook).

3.1 DEFINITIONS:

Full-time faculty. Full-time faculty members are full-time employees of the University who carry a full-time assignment as a faculty member as determined by the regulations of their school of primary appointment.

Part-time faculty. Part-time faculty members carry less than the full-time faculty assignment as determined for full-time faculty and may be full-time or part-time University employees.

Primary faculty appointment. This is the appointment in an academic unit through which a faculty member has a primary academic affiliation. It is through this unit the individual holds tenure in the University, if any, and it is from this unit that recommendations for appointment, promotion, tenure, salary adjustment, and other actions concerning a faculty member are initiated.

Non-academic UAB appointments. For those members of the faculty who also work at UAB in a non-faculty capacity, their non-faculty UAB work assignment may be called a non-academic UAB appointment.

Secondary faculty appointment. This is an appointment an individual faculty member may hold in addition to the primary faculty appointment. Usually an individual may not hold academic rank in a secondary appointment higher than that in the primary appointment. No tenure is possible through a secondary appointment.

3.2 CRITERIA FOR APPOINTMENT, PROMOTION, AND TENURE:

Criteria for faculty appointment and promotion and the award of tenure to faculty relate to faculty activities in teaching, research and service. It is recognized that an individual may not meet criteria in these three areas equally well, and that all may not be of equal importance for each academic rank or for any particular field of endeavor. While individual faculty member achievements are to be considered, it is also important that the program priorities of the appointing units be considered as well. Wherever appointment, promotion, and tenure recommendations are to be initiated, at the departmental or other level, that unit shall formulate the written criteria which shall be utilized. These criteria should be given to current faculty and to each new faculty member at the time of recruitment. Before use, these criteria and policies shall be approved by the appropriate Dean and academic vice president.

3.2.1 Effectiveness as a Teacher:

Effectiveness as a teacher is determined by a review of the following considerations: The individual's knowledge of a subject field including current developments in that field, an ability to organize and effectively present course work both in an oral and a written manner, demonstrated ability to motivate student interest and participation, and an active concern for students' academic progress. Efforts shall be made to achieve meaningful evaluation of a teacher by both faculty colleagues and students.

3.2.2 Effectiveness in Scholarship and Other Creative Activities:

Although scholarly work takes many forms, a faculty member's effectiveness can be demonstrated by such achievements as publications, fine arts creations, personal presentations of formal papers, artistic performances, and the like. The quality of the individual's scholarly approach, capacity for independent thought, originality, and quality of research, shall be evaluated. The faculty member should delineate at the time of evaluation those scholarly works and activities which have been produced during his academic career or the period in question. When feasible, opinions concerning scholarly output or potential should be solicited from outside the University as well as from colleagues within the institution.

3.2.3 Effectiveness in Service Activities:

Service functions may be those performed for the University or those making faculty expertise available for public service, including faculty consultation within or outside the University. Service may include such activities as delivery of health care or other professional services, participation in committee work, fulfillment of administrative assignments, and contributions to improvement of student and faculty life. Service may involve the Birmingham community, the State of Alabama, national or international groups.

3.3 DEFINITION OF FACULTY STATUS:

All statements concerning terms of appointment refer to full-time primary faculty appointments, except where otherwise noted. The following faculty ranks are employed throughout the University.

3.3.1 Instructor:

Appointment as instructor usually calls for training beyond the baccalaureate degree. In some areas of the University demonstrated technical proficiency and experience may serve in lieu of formal training.

3.3.2 Assistant Professor:

The appropriate terminal degree usually is required for this rank, but an assistant professorship may be awarded in the absence of the degree to individuals who have made significant teaching, research, or service contributions, and who have shown evidence of academic potential.

3.3.3 Associate Professor:

This rank usually requires the terminal degree and service as an assistant professor for at least three (3) years at this University or equivalent service elsewhere. The individual should have demonstrated excellence in the conduct of academic duties related to the three academic criteria stated above (see Section 3.2) and show promise of continued intellectual growth.

3.3.4 Professor:

This position is the highest academic rank at the University except for a limited number of university professors, distinguished professors or named professorships. Ordinarily, it requires service as an associate professor for a number of years and the continued demonstration of excellence in the three areas of

academic pursuit: teaching, research, and service. In addition, the individual should be well recognized in a field of competence with an academic reputation extending beyond the university.

3.3.5 Other Titles:

Other titles may be used to designate *ad hoc* appointments for special purposes or limited periods of time. Persons holding such appointments are without eligibility for tenure or sabbatical leave unless specifically delineated as having such.

3.3.6 Level of Commitment in Above Ranks:

All faculty ranks included in Sections 3.3.1 through 3.3.4 are considered to reflect the faculty member's commitment to University work. Affiliation with the University is established through a primary faculty appointment in an academic department or other academic unit most appropriate to the faculty member's interest and competence. As outlined in Section 3.1, only primary faculty appointments establish tenure in the University. In addition to a primary faculty appointment, a secondary faculty appointment, usually at the same or a lower rank, may be conferred in another department of the University as recognition of a specific teaching, research or service responsibility of the faculty member. Secondary faculty appointments should be made for a specific period of time and renewed at periodic intervals.

A faculty appointment may be designated as "part-time" for an individual contributing fewer hours per quarter or per year than is a departmental or school requirement of full-time faculty. Departmental or school requirements in this regard and the further use of such categories as temporary and half-time appointment shall be delineated in the school and departmental guidelines referred to in Sections 3.2 and 3.5. The terms "visiting" or "temporary" may be added to any faculty rank to denote a person bringing expertise to this campus on a part-time or limited term full-time basis without a primary affiliation to this University. "Adjunct" may be added to any faculty rank conferred on a part-time basis. This designation is used for those persons of high professional caliber who make substantial contributions to programs within the University. The term "clinical" may be used instead of the above terms in health care delivery departments of the Medical Center. These affiliations are reviewed annually by the department concerned; such appointments carry no eligibility for the award of tenure.

3.3.7 Salary Arrangements:

Salary arrangements for full-time faculty are the primary responsibility of the department or school of primary faculty appointment. Some portion of the faculty member's salary may be paid by a department of secondary appointment or by other sources. For part-time faculty, the salary determination may also involve negotiation with the head of University departments other than that of primary faculty appointment. Salary levels are subject to approval of each appropriate dean and vice president within guidelines established by the Board of Trustees.

3.4 *TENURE:

Tenure reflects the principle of assuring a faculty member the security of appointment within the University on the basis of demonstrated capabilities and the promise of continuing intellectual development. It is achieved through a guarantee by the University that the person will be given an indefinitely continuing appointment at least at the same faculty rank. Promotion of a tenured faculty member indicates continuation of tenure at the new rank. The services of a faculty member with tenure shall be terminated only for adequate cause including cases of *bona fide* financial exigency at the University, except in the case of voluntary or mandatory retirement or retirement upon disability.

The awarding of tenure is a serious and significant step for both the faculty member and the University. Tenure is not awarded merely on the basis of time in service. Tenure should be regarded as a most valuable possession, signifying a long-term commitment of resources by the University, matched by the sincere commitment by the faculty member to continued professional growth and achievement.

In granting tenure to a faculty member, academic qualifications are to be considered, especially with regard to the excellence of attainments in teaching, research, and service. There should be demonstrable excellence in two of these. Judgements relative to these qualifications should be rendered by the appropriate faculty committee or committees at the departmental or school levels, department heads, and deans who may

*This statement was adapted from the 1940 Statement of Principles and 1970 Interpretive Comments on academic freedom and tenure of the AAUP.

seek review by knowledgeable persons outside the University. Further, the priorities and needs of the academic program of the department and school should be considered in recommending each award of tenure.

3.5 PROCEDURES FOR FACULTY APPOINTMENTS, PROMOTIONS, AND AWARD OF TENURE:

Each school in the University shall have written policies and regulations setting forth detailed criteria and procedures for new appointments, reappointments, promotions, tenure, leaves, resignations, faculty responsibilities and privileges, and other matters related to faculty affairs. Departments are also encouraged to draw up written policies and regulations covering these matters. School regulations and policies must be consistent with University regulations and policies such as this Handbook, and departmental regulations and policies with school regulations and policies. This will be assured by the approval of the policies and regulations as set out in Section 3.5.1. In the absence of such school policies the appropriate dean, with approval of the vice president and President, may establish them on an interim basis.

3.5.1 School and Department Policies and Regulations:

School faculty policies and regulations shall be recommended by the faculty and approved by the appropriate dean, academic vice president, and the president. Departmental faculty policies and regulations shall be recommended by the faculty and approved by the dean and appropriate academic vice president.

3.5.2 Departmental Responsibilities:

The department is usually the primary functional unit of the University and, in this case, is the initiation point for formal actions relating to faculty members. In departments having major subdivisions, initiation may be made by those subdivisions. In the absence of formal departmental organization, the above responsibility shall be assumed by the dean of the school. Each existing department shall have written criteria for appointment, promotion, and tenure. The chairperson of each department has the responsibility of maintaining an activity file for each faculty member of the department, to be updated on the basis of information furnished by that faculty person at least once a year. Further, the department head should assist indi-

vidual faculty members, especially those in a probationary status, by review of their progress with them on a periodic basis.

3.5.3 Review of Faculty Members:

Each faculty member who has met time requirements for reappointment, promotion or tenure shall be reviewed and considered in accordance with procedures of the department or school as required by Section 3.5.2. At the initiation of such procedures, the faculty member shall be invited to provide to the appropriate departmental chairperson any information concerning accomplishments not previously submitted as a part of the departmental activity file.

3.5.4 School Faculty Affairs Committee:

The policies and regulations of each school shall provide for a committee or committees to consider at the school level the matters described in this Section 3. Members voting on matters of appointment, promotion, and the award of tenure shall be elected tenured faculty members and tenured faculty members appointed by the dean. No more than one-half of the voting members shall be appointed. Non-tenured faculty members who have no vote in matters of appointment, promotion, and the award of tenure may be members of the committee(s) as directed by school policies and regulations. The dean may be invited to sit with this committee but is not to serve on it. The committee shall elect a presiding chairperson and may elect if they desire others from the committee, comprising an executive group to meet regularly with the dean, to present recommendations and to discuss faculty matters. Among other duties, this committee shall be charged specifically with the responsibility of ensuring adequate faculty personnel procedures in the school. This committee or these committees or any similar group(s), charged by school policies and regulations with advising the dean on promotion, appointment or tenure matters shall allow only tenured faculty at or above the rank to which the individual under consideration is to be appointed or promoted to vote on such actions.

3.5.5 Dean's Responsibilities:

All faculty appointments and changes in status require the concurrence of the appropriate dean(s). It is the dean's responsibility, upon receiving a departmental recommendation for or against appointment, reappointment, promotion, or tenure, to seek the

advice in writing of the appropriate school committee(s), and to determine that adequate evaluation of the proposed step has been made, including an opportunity for the involved faculty member to furnish any desired material. If there is majority school committee agreement with the departmental recommendation, and the dean concurs with it, the recommendation shall be sent to the appropriate vice president with notification to the committee and to the departmental chairperson. Should the dean not concur, the matter may be referred for further inquiry to the committee or the departmental chairperson, or the dean may undertake reassessment with faculty advice. Should the dean still not concur, the negative recommendations shall be transmitted to the appropriate vice president for action. The faculty member involved shall be informed of these actions and shall be given the opportunity to provide additional information on his or her behalf.

3.5.6 Concurrence by the Vice President:

All full-time faculty appointments, promotions, the award of tenure, and any changes thereof require the concurrence of the Vice President for Health Affairs or for University College.

3.5.7 Approval of the President:

The President shall approve all appointments, promotions, and awards of tenure. The President's office shall fulfill the institution's responsibilities to The Board of Trustees. All appointments, reappointments, promotions, and awards of tenure are established only by a Certificate of Appointment issued to the faculty member by the Office of the President. Conditions of each appointment are made in attachments to the certificate issued to the individual concerned. The information is furnished through the dean, departmental chairperson, and any other individuals directly concerned.

3.5.8 Notification of Action to Faculty Member:

Notification to faculty members concerning promotions and the award of tenure shall be made before June 1 of each year unless the faculty member waives this deadline. Appropriate review schedules should be set up by each department or school to provide adequate time for full consideration including action by the President by this time. Each involved

faculty member shall receive prompt official notification prior to the release of public information concerning promotion or the award of tenure.

3.5.9 Initial and Probationary Appointments:

A faculty member who has an initial or probationary appointment to a potentially tenure-earning position shall receive written notification of any decision not to renew the appointment in accordance with procedures specified in Section 3.7.2. Upon request the faculty member shall be informed of the reasons for the decision. Similar information regarding denial of promotion or tenure award shall be furnished upon request.

3.5.10 Graduate Faculty:

Appointment to the University graduate faculty is required for participation in graduate school activities. Such appointments are secondary to faculty appointments in an established school of the Medical Center or of the University College. No faculty appointments in the Graduate School are primary faculty appointments. If appointment to the graduate faculty is anticipated for a new faculty member, the Graduate Dean should be consulted in advance. Continuation of appointment to the graduate faculty is based on annual evaluation of graduate activities.

3.6 TENURED APPOINTMENTS:

The regular faculty of the University consists of all persons appointed to the full-time faculty in the ranks of instructor, assistant professor, associate professor and professor, or other ranks specified by particular school regulations as being regular faculty ranks. The regular faculty either hold or have the potential of holding tenure as assistant professor, associate professor or professor unless their appointment specifies otherwise. Those on part-time, temporary, visiting, clinical, adjunct, non-tenure earning appointments or other *ad hoc* appointments do not hold appointments potentially earning tenure. The phrase "appointment to a tenure-earning position" does not imply that such a person has tenure, but only that the appointment is subject to the rules for earning tenure set forth below.

3.6.1 Deans and Administrators:

Administrative appointments do not carry tenure. An administrator with academic tenure

shall continue to carry an appropriate academic rank and to have status in the regular faculty. An administrator holding non-tenured academic rank may earn tenure determined as described for regular faculty members.

3.6.2 Tenure Policy by Faculty Rank:

For any faculty member appointed to a potentially tenure-earning position the non-tenured probationary period shall not exceed a total of seven (7) years in this University. If tenure has not been awarded by the end of the sixth year of service in this University, appointment for a seventh year shall be a terminal appointment. An individual not being reappointed shall be notified, *in writing*, at least twelve (12) months prior to the date on which the appointment is to end. Faculty members should be informed of the reasons for their non-reappointment upon request by them. For the establishment of tenure, consideration may be given to periods of service in other institutions of higher education, and a statement in writing shall be made at the time of initial appointment in this University concerning specific allowances to be made for such service.

Instructors appointed without restriction shall be appointed initially for at least a one-year period, renewable through procedures stated in Section 3.5 above. No tenure may be conferred at the rank of instructor.

Tenure shall be conferred only upon the three ranks shown below in accordance with the stipulated procedures:

(A) Assistant professors appointed without restriction to this rank from outside the University shall be appointed for at least a two-year period which is renewable for specified durations of time through procedures stated in Section 3.5 above. Tenure may be granted in this rank upon at least 3 years of service as a full-time faculty member in this institution.

(B) Associate professors appointed from the existing ranks of assistant professors are thereby granted tenure unless specific exception is written into the appointment document. Persons appointed to this rank from outside the University shall be under the rules of tenure, and the appointment shall be for at least two years renewable for specified durations of time through procedures stated in Section 3.5 above, unless specific exception is written into the appoint-

ment document. Tenure is usually not awarded until the completion of at least one year of service. Individuals not being awarded tenure after an initial appointment shall be notified in writing as specified in Section 3.6.2. Faculty members should be informed of the reasons for the decision upon request.

(C) Appointments at the rank of professor carry tenure unless specific exception is written into the appointment document.

3.7 RESIGNATION, NON-REAPPOINTMENT, AND DISMISSAL:

3.7.1 Resignation:

Acceptance of a full-time faculty appointment is a commitment to the scheduled academic year and, for administrative personnel, to a full calendar year. When circumstances do not permit the completion of such a commitment, the University may agree to a resignation with at least three (3) months' written notice given the departmental chairperson.

3.7.2 Non-Reappointment:

When the decision has been made not to reappoint a non-tenured faculty member, notice of non-reappointment, or of intention not to recommend reappointment should be given in writing in accordance with the following standards by the department chairperson with the concurrence of the appropriate dean and vice president:

(A) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

(B) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.

(C) At least twelve months before the expiration of an appointment after two or more years in the institution.

Upon request, the faculty member shall be informed of the reasons for the non-reappointment.

3.7.3 Dismissal:

Dismissal of a faculty member from an academic position is a most serious matter and requires action by the President. Dismissal is applicable to both tenured and non-tenured faculty members and differs from non-reappointment in that dismissal may occur at any time; it requires a special kind of action; it is based upon such causes as wrongdoing or incompetence. In those instances where a departmental chairperson or the appropriate dean believes a faculty member's continued appointment is not in the best interests of the University, the first step is the preferring of charges. The faculty member will be given a hearing before a faculty committee convened by the President. The faculty member shall be informed in writing of the charges before the hearing is conducted and shall be permitted to choose an advisor who may act as counsel. The hearing shall be conducted in accordance with established written procedures for such hearings as set forth in the Faculty Personnel Procedures Manual and in Appendix A of this Handbook. A verbatim record of the hearing will be made available to the parties concerned.

Until the final decision on the matter has been reached, the faculty member shall not be suspended unless immediate harm to self, to others, or to the University is threatened by continuance. Salary shall continue during the period of suspension. Suspension can be effected only by the President.

The written report of the hearing before the above committee, including findings of facts and specific recommendations for or against dismissal as well as other possible sanctions such as demotion or suspension, shall be transmitted to the President. Final decisions in the matter rests with the President of the University.

3.7.4 Termination Due to *Bona Fide* Financial Exigency:

Tenured faculty members' appointments may be terminated with one year's notice under *bona fide* and demonstrable circumstances of financial exigency. The appointment of non-tenured faculty members may be terminated prior to the end of a previously agreed upon period of appointment in the same manner. Should such a matter arise, the terminated faculty member is entitled to a hearing, if he or she so requests, conducted in accordance with the procedures

described in Appendix C of this Handbook. Any terminations for reasons of financial exigency will follow considered advice from affected departments or other units of academic concentration. Before terminating faculty or research appointments for financial causes, the University will make efforts to place affected faculty members in suitable positions.

3.8 RETIREMENT:

Employees must retire by June 30 following their attainment of sixty-five (65) years of age. (This provision does not apply to individuals over age fifty-five (55) as of July 1, 1975 and who were hired under Faculty Handbooks which specified age seventy (70) as the retirement age). Extensions beyond this may be granted on a year to year basis. Early retirement may be taken at the option of the individual. Benefits at retirement, available through the University, depend upon the individual's own participation, and information on these matters can be obtained on an individual basis from the Personnel Services Office. Members are expected to give one year's written notice of expected retirement. Following retirement, the faculty member should continue to be carried on the University's rolls at the rank held at the time of retirement.

3.9 GRIEVANCES:

A faculty member with a grievance in any matter other than dismissal proceedings (Section 3.7.3) should seek solution of the problem through the departmental chairperson and dean, making use of available procedures provided by the policies and regulations of the school and this Handbook. If unable to obtain a satisfactory resolution, the faculty member may then request that the appropriate vice president convene a committee to consider the complaint as set out in the written grievance procedure found in the UAB Faculty Personnel Procedures Manual and in Appendix B of this Handbook.

3.10 COMMITTEE ON FACULTY POLICIES AND PROCEDURES:

A University-wide standing Committee on Faculty Policies and Procedures is charged with the responsibility of providing advice to the President on the basis of a continuing examination of faculty policies and procedures in the University. The Committee consists

of three representatives from Administration, three faculty members from the Medical Center, and three faculty members from the University College. The six faculty members must have tenure, but shall not have significant administrative responsibilities such as those of a departmental chairperson, and are appointed by the President from a slate of faculty members elected by official faculty bodies recognized by the Vice President for University College or by the Vice President for Health Affairs. The three administrative members shall also be appointed by the President. Appointments are for a term of three (3) years, with one member of each of the three groups being replaced each year. The Legal Counsel to the University is *ex officio,* a non-voting, permanent member of this committee.

The committee shall be chosen initially from a slate of twelve faculty members, six from the Medical Center and six from University College. Two from each unit are nominated for periods of 3, 2, and 1 year(s). In subsequent years the Medical Center and University College shall elect two members to the slate to replace those whose terms have expired and from those newly elected the President shall appoint new members to the committee. The elected slate of twelve (12) tenured faculty members shall be used as a panel from which to select a hearing committee in the case of termination for cause of a faculty member. (See Appendix A)

4.

Faculty Roles and Responsibilities:

4.1 *ACADEMIC FREEDOM:

Academic freedom of the faculty is indispensable to the University in fulfilling its obligations to students and to other members of the community at large. Institutions of higher education are conducted for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it responsibilities correlative with rights.

The teacher is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of other academic duties, but publication or research for pecuniary return should be based upon an understanding with the authorities of the institution.

The teacher is entitled to freedom in the classroom in discussing the subject, but should be careful not to introduce into the teaching matter which has no relation to the subject, nor should the teacher fail to present the subject matter of courses as announced to students and as approved in setting up the appropriate curriculum.

The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, the teacher should be free from institutional censorship or discipline, but one's special position in the community imposes special obligations. Faculty members should remember that the public may judge the teaching profession and the institution by faculty comments. Hence faculty should at all times be accurate, should exercise appropriate restraint, should show

*This statement was adapted from the 1940 Statement of Principles and 1970 Interpretive Comments on academic freedom and tenure of the AAUP.

respect for the opinions of others, and should make every effort to indicate that they are not speaking on the behalf of the institution.

4.2 POLITICAL ACTIVITY:

Any faculty member may support any political candidate, entity, campaign, program or action so long as it is made clear that the stance is personal rather than reflecting the University's policy. No member of the faculty, staff or student body of the University shall be expected to engage in political activity except on a voluntary basis.

Any faculty member who plans to seek election or appointment to a public office must make such intentions known to the President through appropriate channels. The President will discuss this political activity with the faculty member, including possible conflicts of interest during this time. If necessary, the President will seek the advice of the University Committee on Faculty Policies and Procedures. It may be necessary for the President to request the faculty member to take leave of absence without pay or even to resign from the University.

4.3 EXTRAMURALLY-SPONSORED PROGRAMS:

Members of the faculty are encouraged to participate in extramurally-sponsored programs such as research, training, and service projects. A faculty member may participate in such programs as an individual or as a member of a research team.

Research programs receive funds from grants and contracts made by various governmental agencies, industry, foundations, and individuals. The Coordinator of Research Grants must approve all requests for extramural support from any source for University-based projects by the faculty of the University.

4.4 POLICY AND PROCEDURES FOR CONSULTING:

4.4.1 Consulting Outside the University:

A faculty member may contract to perform independent research or to furnish services as a consultant or both, provided such activity does not interfere with the performance of responsibilities as a faculty member, is limited in time, and is compatible with the interests of the University. Approval to

participate in any outside consulting activities is obtained from the dean through the appropriate departmental chairperson. The appropriate vice president and Office of the President should be notified of the commitments on a periodic basis. When participating in consulting activities outside the University, the faculty member should not allow the name of The University of Alabama in Birmingham to appear in any such manner as to indicate that the University is participating in or in any way sponsoring the activity or the project.

The use or orientation of any research effort to serve the needs of an individual, group, firm, corporation, or other organization or entity without proper disclosure of such use or orientation to a sponsoring agency and to the University constitutes a serious breach of confidence. Furthermore, there should be no purchase by an employee of any major equipment, instruments, materials, or other items for use in University research efforts from a corporation, company, firm or organization in which the member has a pecuniary interest without obtaining approval by the University in advance.

It is incumbent upon each individual faculty member who participates in an outside consulting activity to review outside consulting assignments continuously to avoid participating in any which would currently or in the future constitute a conflict of interest or the appearance of a conflict of interest. When a potential conflict of interest arises, it is expected that the faculty member, with the assistance of the departmental chairperson, dean, and others as necessary, will act to preclude or remove the conflict.

When a faculty member is engaged in a government-sponsored research program and concurrently serves as a consultant to one or more government contractors or prospective government contractors in the same technical field as that research project, particular care must be taken: (A) to avoid giving advice which might be of questionable objectivity because of the possible bearing on other interests, and (B) in undertaking and performing consultant services, to make full disclosure of such interests to the University and to the contractor insofar as they may appear to relate to the work at the University or for the contractor.

Many conflict of interest situations may arise, both obvious and subtle, in such variety that they

cannot adequately be presented in this document. The Council of the American Association of University Professors and the American Council on Education, working in cooperation with the President's Science Advisor and the Federal Council of Science and Technology, in 1965 developed a statement of principles formulating basic standards and guidelines in this problem area. It behooves each faculty member planning to undertake government-sponsored research to study the statement in advance of making any formal agreement, as well as during the course of any such work. Copies of the statement are widely available in the deans' offices and in the office of the Coordinator of Research Grants. The University Committee on Faculty Policies and Procedures is also available for consultation.

4.4.2 Consulting Within the University:

Consulting and the performance of duties by the faculty members for special fees within the University is to be limited in time and subject to prior approval on a project-by-project basis. Faculty and administrative personnel will be permitted to perform consulting and other types of services within the University:

(A) When the individual has specialized training or knowledge essential to the useful programs; and

(B) Where the performance of these duties is such that it is above and beyond the commitments associated with the faculty or administrative appointment. Examples of consulting service or projects by which special fees may be paid to the faculty member or to administrative staff include: Special lectures, short courses, industry-sponsored research projects, and continuing education projects.

Consulting on University-administered projects financed by non-University sources may or may not be permitted in accordance to the policy of the sponsoring source. If permitted by the sponsor, approval within the University, must be obtained as indicated below. Where the sponsor's policy is unclear or unknown, clarification should be obtained from the UAB Office of Grants Administration.

Rates of payment for consulting or special services are to be determined on the basis of the individual's salary or other schedules of payment and

should be approved by the appropriate administrator(s). Work for special fees should be performed so as not to interfere with academic or other UAB responsibilities. Such fees are considered as income and reported accordingly.

The appropriate departmental chairperson(s) and dean(s) must give their approval of these consulting activities within UAB. If consulting is across school lines, further approval by the appropriate vice president(s) is required. Consulting under grants or contracts for funds from any extramural source additionally requires the approval of the Coordinator of Research Grants. Those approvals must be obtained before a commitment is made and such requests must have the following documentation in support of the request.

(A) Evidence that the services of the consultant are needed and the need cannot be met by direct salary.

(B) Evidence that a selection process has been employed to secure the most qualified individual available, considering the nature and extent of the services to be required.

(C) Evidence that the fee is appropriate considering the qualifications of the consultant, normal charges, and the nature of the services to be provided.

(D) The consultation is across departmental lines and the work performed by the consultant is in addition to the regular department load or consultation involves a separate or remote operation and the work performed by the consultant is in addition to the regular departmental load.

4.5 NEPOTISM POLICY:

Members of the same immediate family normally should not work for one another or in the same work unit. Immediate family includes spouse; son or daughter (including stepchildren), grandchild, son-in-law or daughter-in-law; parent (including stepparent), grandparent, father-in-law or mother-in-law; and brother and sister (including stepbrother or stepsister).

The deans of the colleges and the hospital administrator may approve exceptions to this policy.

5.

Insurance and Retirement Benefits

The UAB participates with the other campuses of The University of Alabama System to provide members of the faculty and staff the best available benefits at the least possible cost. Programs are studied and recommended by a University of Alabama Committee on Insurance and Retirement and are subject to the approval of the Presidents of each of the campuses. Full details on all University-administered insurance programs and on the Teachers' Retirement System of Alabama, as well as the Teachers' Insurance Annuity Association/ College Retirement Equities Fund (TIAA/CREF), Social Security, and tax sheltered annuities may be obtained through pamphlets, certificates, policies, and explanations available through the Office of Personnel Services.

5.1 INSURANCE PROGRAMS:

Coverage under long-term disability income insurance, health care insurance, sponsored life insurance, and sponsored accidental death and dismemberment insurance is required as a condition of employment for faculty, executive, and administrative staff members. The UAB furnishes the sponsored life insurance, accident insurance, and the long-term disability insurance. Premiums for health care insurance are shared between the member and the University. Voluntary programs through payroll deductions are also available for term life insurance, voluntary accidental death and dismemberment insurance, and automobile insurance.

5.2 RETIREMENT PROGRAMS:

Participation in the State Teachers' Retirement plan or the State Employees' Retirement plan is required as a condition of employment of all full-time faculty members. Part-time and temporary personnel are not eligible for participation in the retirement programs. Full-time faculty members and certain administrative personnel are eligible for participation in the TIAA/CREF program. Under this program, members may contribute a certain portion of their salary to the plan with such contributions being tax sheltered. In addition, the University has established limits on amounts to be paid as matching contributions for the program. Part-time and temporary personnel are not

eligible for coverage under the retirement programs at The University of Alabama in Birmingham.

5.3 TAX SHELTERED ANNUITIES:

Faculty members, executive or administrative employees of The University of Alabama in Birmingham may elect to reduce their salaries and have the University purchase annuities. The income used to purchase a tax sheltered annuity, within certain limits, is not subject to Federal income tax until received as salary under an annuity, but is subject to Alabama State income taxes, Teacher's Retirement System contributions, and the requirement to pay the full amount of Social Security taxes. The limitation as to the amount of annuity contributions which may be tax sheltered is fixed by Internal Revenue Service codes which may be changed from time to time.

This plan applies only to the purchase of annuities and does not include life insurance or mutual funds. An insurance company, to be eligible for payroll deduction, must certify to the University in writing that its contract with the faculty member meets the technical requirements of the tax law.

6.
Compensation

6.1 PAY POLICY AND PROCEDURE:

The Payroll Authorization Form for monthly-salaried personnel, when signed by the member, authorizes the UAB to deposit his or her net pay directly into the appropriate bank account and to furnish a statement of earnings for the pay period showing gross earnings, less itemized deductions, and the net sum deposited into the account. Faculty members are paid once each month on the last work day of the month. Those persons not having a bank account or who do not wish to participate in the automatic deposit plan will be furnished their monthly statement of earnings and a free check to be drawn on the bank designated as the University paying agent. The faculty member will be able to write the check for the net amount indicated on his statement of earnings.

The Payroll Office has the responsibility for maintaining permanent records concerning salary adjustments, payroll deductions, Federal/State tax, and Social Security. Questions concerning pay checks or pay records should be directed to the Payroll Office.

6.2 PATIENT-CARE ACTIVITIES:

Full-time faculty members licensed to practice medicine, dentistry or optometry may have the right to conduct an intramural private practice under the provisions and regulations of their respective schools. Each school has published guidelines for the manner in which fees received from this private practice will be handled.

6.3 GRANTS AND CONTRACTS:

Funds made available through grants and contracts may be used to pay a portion or all of a faculty or staff member's salary. The amount of such compensation is jointly dependent upon the provisions of the appropriate grant agreement and approval by the respective department head and dean and is based on the amount of effort expended with activities associated with the grant.

7.
Travel

7.1 TRAVEL AND REIMBURSEMENT POLICY AND PROCEDURES:

Travel regulations at The University of Alabama in Birmingham conform with State law. All University related travel, including that in connection with research grants, is covered by the following University travel policy:

7.1.1 In-State Travel (established by Legislative action and subject to change)

Reimbursement for travel in a privately-owned automobile is at the rate of 12¢ per mile, provided such mode of travel has been duly authorized. Faculty members using their privately-owned automobiles on UAB business assume full risk and should ensure that adequate automobile insurance is in effect. Public transportation is reimbursed on the basis of actual expenditures.

Subsistence (hotels and meals) is authorized and limited by State law a per diem allowance of not more than twenty dollars ($20) per twenty-four hour period. The per diem allowance is reduced for periods of less than twenty-four hours on the following basis:

(A) No subsistance allowance shall be paid for a trip of less than 6 hours.

(B) For a trip of six hours and up to twelve hours, the traveler shall be paid a meal allowance of $3.50.

(C) For a trip in excess of twelve hours, the traveler shall be paid a meal allowance of $3.50 and one-fourth of the per diem allowance.

If the trip requires overnight stay, a per diem allowance not to exceed twenty dollars ($20) per day for each full day or fraction thereof shall be paid in lieu of subsistence.

7.1.2 Out-of-state Travel:

Travel by personal automobile is reimbursed at the rate of 12¢ per mile. Use of a personal automobile is allowed provided this method of travel is

advantageous to the University. (See paragraph 7.1.1 regarding automobile insurance). Prior approval for the use of an automobile should be obtained from the appropriate dean or administrator. Cost of public transportation is reimbursed to cover full expenses. Travel on federally-sponsored grants and contracts requires the use of tourist accommodations when traveling by air, but first-class may be used if tourist space is unavailable. Full reimbursement for hotel and meals is authorized, but it is the policy of the University that moderately-priced accommodations will be used. Official banquet costs will be reimbursed when attendance is required.

7.1.3 Foreign Travel:

All University related foreign travel requires prior approval from the appropriate dean, vice president, and president. In addition, foreign travel on federally-sponsored grants and contracts must have prior approval from the sponsoring agent.

7.1.4 Travel Advance Requests:

A faculty member may secure a short-term travel loan from the University Credit Union.

7.1.5 Airline Tickets:

The University Business Office provides a service for issuing airline tickets. They are charged to the appropriate account at the time of issue and require no advance of funds by the individual.

8.
Holidays, Vacation, and Leaves

8.1 HOLIDAYS:

The following are designated as official holidays for The University of Alabama in Birmingham: Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, Christmas Day, and New Year's Day. Three additional holidays are allowed, termed as "administrative" holidays to be taken throughout the year.

When an official holiday falls on Saturday, it will be celebrated by the University on the preceding Friday. When an official holiday falls on Sunday, it will be celebrated by the University on the following Monday.

In scheduling holidays, it is understood that essential services of the University must be provided at all times.

8.2 VACATION POLICY:

Faculty members and executive personnel on twelve-month appointments are entitled to one month (22 working days) of vacation with pay after one year of service. All faculty on nine-month appointments are presumed to be on leave during the summer months unless specifically assigned to summer school teaching. The University of Alabama in Birmingham encourages faculty members to take their earned vacations each year.

In exceptional cases and with the approval of the departmental chairman and dean, up to two years' earned vacation time (44 days) may be accumulated. Members who resign after one year of employment will be granted terminal pay for vacation time accrued on a pro rata basis. In case of death, accrued vacation will be paid in full to the employee's beneficiary or estate.

8.3 SICK LEAVE:

Full-time faculty members accumulate five working days of sick leave each six months. A maximum of 120 days of sick leave may be accumulated. After a faculty member has served six months, absence due to illness or injury may be charged to sick leave. Any sick leave absence beyond 120 days must be approved jointly by the departmental administration and the appropriate dean.

8.4 SABBATICAL LEAVE:

Sabbatical leave may be provided for members of the University faculty holding the rank of instructor, assistant professor, associate professor or professor.

8.4.1 Eligibility:

For each six academic years of full-time service, as defined by the faculty member's department and school of primary appointment, a member of the faculty is eligible for paid sabbatical leave for a period of one-half such year at full pay or one such year at half pay. Sabbatical leave credits may not be accumulated; for example, leave will not be granted for one year at full pay after twelve years of full-time service.

8.4.2 Plan of Activities During Sabbatical Leave:

Applicants will be required to submit a plan of activities during the period of leave, to consist of professional development, a program of investigation, creative writing or artistry, and the like. Sabbatical leave may be spent on-campus or off-campus, depending upon the type of activity to be undertaken. A faculty member shall not be expected to carry on committee assignments or special administrative functions during a period of leave.

8.4.3 When Requests Should Be Submitted:

Leave requests for any part of a school year should be submitted at least six months, and preferably one year, in advance of the start of the leave. Applications are to be submitted to the departmental chairperson or directly to the appropriate dean in the absence of departmental organization. Sabbatical leaves are subject to approval by the appropriate dean(s), vice president(s), and the President. It may be necessary to make special readjustments in sabbatical leave dates when leave is requested by more than one person in a department for the same period of time.

8.4.4 Upon Conclusion of Sabbatical Leave:

Recipients of paid sabbatical leave are expected to return to the full-time service of the University for at least one academic year and must submit a concise report of the activities during the sabbatical to the dean and departmental chairperson.

8.5 LEAVES OF ABSENCE:

After a permanent faculty member has completed one academic year of continuous service, a leave of absence without pay of up to one year may be granted for justifiable reasons. This leave can be renewed for a second year. In either case, approval must be given by the departmental chairperson and by the appropriate dean and vice president. Any renewal of leave of absence beyond two years must be approved by the President.

Return to University service following an approved leave of absence shall be without prejudice to the faculty status of the individual prior to taking leave. Time spent on such a leave of absence shall not be considered as part of an individual's probationary period or for promotion, tenure or eligibility for sabbatical leave.

8.5.1 Maternity Leave:

A faculty member is eligible for maternity leave for whatever length of time is warranted. Vacation time may be taken and paid during this period if accrued and requested by the member. Sick leave may be paid upon request for temporary disability due to pregnancy, miscarriage, abortion, childbirth, and recovery therefrom to the extent that the member has accrued benefits. Thereafter, members are to be placed on leave of absence without pay. A physician's statement will serve to define the warranted length of maternity leave. Reinstatement following childbirth will be without loss of seniority or accrued benefits.

The faculty member should advise the departmental chairperson well in advance of maternity leave so that appropriate substitutes can be identified.

8.5.2 Military Leave:

In accordance with state law, members of the Federal and State Armed Forces are granted military leave for authorized training absences and will be paid during all days in which they are ordered to duty for periods up to 21 working days.

In order to secure a military leave of absence, faculty members and administrative personnel should file a copy of the official orders with the Office of Personnel Services.

If a permanent faculty member is involuntarily called into the military, a leave (without pay) will be granted for the duration of the initial service obligation.

9.
Other Benefits

9.1 UNIVERSITY HOSPITAL:

The University Hospital offers full-time University faculty and staff members, their wives or husbands, and dependent children, a discount of 25 percent on charges made by the hospital which are in excess of those covered by the group hospitalization policy currently in force. The University Hospital Credit and Collection Department may be contacted for current information on charges to which discount rates apply.

9.2 OPTOMETRY CLINIC:

All faculty, staff, and their dependents may utilize the Optometry Clinic facilities in accordance with the fee schedule and other regulations for regular patients in these clinics. The clinic is located in the School of Optometry Building.

9.3 ANN JORDAN LODGE:

The Ann Jordan Lodge, which is located at Kellyton, Alabama, is available for personal and official functions. For information regarding use and charges for this facility, the Office of Research and Services at Montgomery of The University of Alabama, University, should be contacted.

9.4 PARKING:

Parking space is provided for members of the faculty and staff at a reasonable charge. Parking assignments are made by the Director of Auxiliary Services. Parking fees are paid at the University's Business Office, although arrangements are usually made to pay the parking fees through payroll deduction. Upon registration, each employee will be issued an automobile decal. The decal should be prominently displayed on the authorized automobile. Parking areas are controlled to prevent unauthorized use.

9.5 DENTAL CLINIC:

All faculty, staff, and their dependents may utilize the Dental Clinic facilities in accordance with the fee schedule and other regulations for regular patients in these clinics. However, since the clinics of the School of Dentistry are educationally oriented, it cannot be

guaranteed that all of the service needs of faculty, staff, and dependents can be met.

9.6 SMOLIAN HOUSE AND FRIENDSHIP HOUSE:

The facilities of the Smolian and Friendship houses are available to the faculty for their use for official or private functions. Information concerning reservations and charges for these functions may be obtained by calling the Friendship House.

9.7 RECREATIONAL FACILITIES:

The faculty and staff may use the recreational facilities located in the Ullman complex. These include: Swimming, basketball, racketball, squash, handball, and badminton. Tennis courts are also available. The facilities are open at specified times for recreational use. Reservations may be made by contacting the Department of HPR. Intramural sports programs are also available for all who are interested.

9.8 CREDIT UNION:

The University Credit Union is operated for the benefit of employees of The University of Alabama in Birmingham, as well as those of other related activities in the Medical Center area. Dividends are paid semi-annually on shares on deposit as of June 30 and December 31.

Applications for membership may be made at the Credit Union Office. The Credit Union also offers University employees an opportunity to borrow funds at a favorable rate. A payroll deduction plan is available for savings or repayment of loans. Group life insurance on savings and credit life insurance on loans are available. Deposits in share accounts are federally insured up to $40.000.

9.9 UNIVERSITY CAFETERIAS:

The University provides three cafeterias for use by the faculty and staff. One is located on the second floor of the University Hospital and provides service on a 24-hour basis and serves breakfast from 6:00 to 9:30 a.m.; lunch from 10:45 a.m. to 2:00 p.m.; and dinner from 5:00 to 7:00 p.m. daily. Another cafeteria is located in the Spain Rehabilitation Center and operates six days a week during the breakfast, lunch, and dinner hours. A third cafeteria is available on the third floor of

Building No. 3, University College, for stand-up hot service. Other convenient snack bars are available in the area.

10.
Administrative Services:

These services are provided for the conducting of University business except where otherwise stated.

10.1 TREASURER AND CONTROLLER'S OFFICE:

The Treasurer and Controller's Office handles preparation and administration of budgets, accounting for all financial transactions, and the paying of all University bills. The Treasurer and Controller's Office is divided into eight sections: (1) Budgets; (2) Payroll; (3) Accounts Payable; (4) Accounts Receivable; (5) General Accounting; (6) Hospital Accounting; (7) Property Accounting; and (8) Grants and Contracts Accounting.

The Accounting Department maintains a cashier's office to collect fees. As an additional service, the cashier will cash personal checks up to the amount of thirty dollars ($30) for personnel of the University.

The Payroll Office establishes and maintains current pay records on all employees; computes the applicable deductions for taxes, social security, insurance, charity, savings or other items; and disburses the pay for each University employee.

10.2 OFFICE OF PERSONNEL SERVICES:

The Office of Personnel Services administers personnel policies for the campus. Its basic functions include: Recruitment, screening, and placement of staff personnel, maintenance of all personnel records, faculty and staff benefits administration; staff wage and salary administration; staff manpower development and utilization, employee regulations; personnel research and consultation on personnel-related matters.

10.3 PURCHASING DEPARTMENT:

The Purchasing Department does all University purchasing. University policy prohibits obligation of University funds without prior approval from the Purchasing Department. Requisitions are initiated by departments and submitted to Purchasing for approval on Requisition Form UAB-1, revised January, 1973. Authorization to visit and acquire items from the Surplus Property Warehouse in Gadsden, Alabama, may be obtained from the Purchasing Department. For additional information, refer to Purchasing Procedures and Policies Manual.

10.4 OFFICE OF GRANTS ADMINISTRATION:

The Office of Grants Administration works closely with the Coordinator of Research Grants, the Business Office, and members of the faculty to ensure that grants and contracts are submitted and administered in accordance with the sponsors' stipulations and University policy. Through this Office, advice may be obtained concerning budget preparation and matching fund requirements prior to submission of the grant application. Information is available on a continuing basis concerning regulations and policies of Federal and non-Federal sponsors. Periodic consultation is required because of frequent changes affecting allowability of expenditures, matching requirements, reporting requirements, application format, rebudgeting, and other similar matters.

10.5 OFFICE OF INTERNATIONAL AFFAIRS:

The University of Alabama in Birmingham's International Affairs Office is under the Vice President for Administration and is charged with serving the general international concerns of the University. In addition to administering the University's Exchange Visitor Program, this Office assists foreign faculty, staff, and students in matters including: Admissions, English language proficiency, orientation, academic and personal advising, housing, finances and employment, and all procedures relating to visas and immigration.

10.6 OFFICE OF PUBLIC AFFAIRS:

The Office of Public Affairs of the University disseminates news of the campus to outside media, including radio, T.V., newspapers, and other publications; and to the UAB community through publications such as the *Medical Center Bulletin, Beacon, Intercom, University College Newsheet,* and *On Tap.* The Office also handles the production of brochures and various promotional activities and arranges tours of the University for visiting individuals and groups. Other public relations activities are handled through the Hospital Public Relations Office and the University College Public Relations Office.

10.7 FACILITIES MANAGEMENT:

The Physical Plant Division, consisting of six departments, provides the following services: (1) Maintenance of existing equipment, facilities, and buildings; (2) Administering the current new construction pro-

grams; (3) Alteration of existing facilities; (4) Providing engineering support to UAB departments; (5) Housekeeping requirements; (6) Handling up-keep of all University facilities.

10.8 PRINT SHOP:

The University operates a print shop which meets many of the printing requirements of the campus. The Print Shop uses offset, mimeograph, and Xerox equipment. Printing services may be ordered on an internal requisition form. Mimeograph requirements can normally be completed on the day after delivery to the Print Shop. Off-set printing work is completed as soon as possible, depending on volume and scheduling.

10.9 UNIVERSITY BOOKSTORE:

The University maintains a bookstore on Fifteenth Street near Eighth Avenue South. It sells approved textbooks, equipment (except dental), instruments, general office supplies, and other general merchandise. Additional services, such as special book orders, are available. Full-time faculty and staff members are allowed a discount on selected items upon presentation of their ID card before the sale is registered.

10.10 UNIVERSITY LIBRARIES:

10.10.1 Mervyn H. Sterne Library:

Principally serving University College, the Mervyn H. Sterne Library includes the main Library building, which houses traditional library materials and services and the Instructional Resources Center, located in University College Building 1, directly across from the main building, which houses the audiovisual materials, laboratory book collections, and nontraditional library services. The Library is open from 7:45 a.m. to 10:30 p.m., Monday through Friday; 9:00 a.m. to 5:00 p.m., Saturday; and 1:00 p.m. to 9:00 p.m., Sunday.

10.10.2 Medical Center Libraries:

1. Lister Hill Library

The Lister Hill Library is located on 17th Street, facing 8th Avenue South. The Library contains 127,000 volumes and has more than 2,100 journal subscriptions. It is open from 8:00 a.m. to 11:00 p.m., Monday through Friday; 8:00 a.m. to 5:00 p.m. on Saturday; and 1:00 p.m. to 9:00 p.m. on Sunday.

2. Lister Hill Library Extension

The Lister Hill Library Extension is located on the 2nd floor of the New Hillman Building. This is a reference library only and is open from 8:00 a.m. to 5:00 p.m., Monday through Saturday and 12:00 noon to 5:00 p.m. on Sunday.

3. Reynolds Historical Library

The Reynolds Historical Library is housed in a special area of the Lister Hill Library. The historical acquisitions include the rare book collection given to the University by Dr. Lawrence Reynolds. In addition, the early Alabama medical, dental, nursing and optometry records can be found adjacent to this Library in the Carmichael Room of the Alabama Museum of the Health Sciences. The Reynolds Library Reading Room is open from 9:00 a.m. to 5:00 p.m. Monday through Friday.

10.11 MOTOR POOL:

The University maintains a limited number of vehicles which may be used for University business trips. A charge of 12¢ per mile is assessed to the department for use of the vehicles. The use of vehicles may be scheduled by calling the Building Services Office.

10.12 HOUSING OFFICE:

Though the UAB draws most of its students from the surrounding community, some students require campus or near-campus housing. The Housing Office is responsible for administering a student housing program which provides a limited number of inexpensive accommodations for single and married students.

10.13 POST OFFICE AND CAMPUS MAIL SERVICE:

A U.S. Post Office, located in the basement of the Basic Sciences Building, is open from 8:00 a.m. to 4:00 p.m. on weekdays. To ensure proper distribution of mail after it reaches the campus, faculty and staff members should notify the Post Office of their correct office location. The Post Office mailing address is University Station, Birmingham, Alabama 35294.

10.14 BULK MAIL SERVICE:

The University has a bulk mailing service which is available to assist members of the faculty and staff in

the preparation of large quantities of mail. This service has the capability to collate, staple, fold, stuff, address, and prepare items of bulk mail upon request. Assistance is also available in the preparation of mailing lists. To utilize the service, it is necessary to provide the materials to be processed and provide the applicable account number to which a moderate charge is made. The use of the Bulk Mail Service is necessarily limited to University business.

10.15 UNIVERSITY TELEPHONE SWITCHBOARD:

The UAB has a separate telephone exchange. The central number is 934-4011. Within the University, numbers may be reached by dialing the four-digit extension number listed in the campus directory. To dial the V.A. Hospital from a University extension requires the use of the prefix 122 before dialing the desired extension number. The switchboard may be reached on campus by dialing the operator.

Conference calls may be arranged from University extensions by dialing 90 and making the necessary arrangements with the conference-call operator.

10.16 CAMPUS BUS SERVICE:

A campus bus service is provided from the parking areas to various points on the campus and return each day, Monday through Friday. The buses begin operation at 6:00 a.m. and run on 7½-minute intervals until 10:00 a.m. and 15-minute intervals thereafter until 8:30 p.m. No charge is made for this service.

10.17 UNIVERSITY POLICE AND SECURITY:

In the event of any criminal act, possible criminal act, automobile accident (on University property), and other breach of the peace or security, call ext. 4434 or, in an emergency, ext. 3535.

11.
Other Information

11.1 ON-THE-JOB ACCIDENT PROCEDURES:

Any occupational injury or illness occurring on the job must be reported to the appropriate supervisor. A completed incident/accident report form should be taken to the Emergency Department of University Hospital, located on Sixth Avenue South, where treatment can be obtained. The accident report, properly executed, will assure emergency treatment without charge to the injured employee. Further information concerning accident reporting and emergency care is contained in the University's Accident Procedures Manual.

11.2 STUDENT NEWSPAPER:

The Kaleidoscope, a student newspaper, is published weekly by the student body of the UAB University College. It contains campus news items and editorial comments on campus issues of the day.

11.3 PATENT POLICY:

The UAB has a policy on patents and how faculty share in any royalties therefrom. The policy is in Appendix D of this Handbook.

11.4 COMPUTER PROGRAM DEVELOPMENT POLICY:

The UAB has a policy regarding the development of computer programs and the distribution of any income from them. The policy is in Appendix E of this Handbook.

Appendix A

Termination For Cause (Dismissal) of a Tenured Faculty Member or a Faculty Member Whose Term of Appointment Has Not Expired

I. Initiation of Proceedings

Formal termination proceedings are commenced by furnishing to the faculty member by registered mail a letter from the President of the University containing a statement of the charge(s) against the faculty member. This letter should contain the following information:

1. A statement of specific charge(s) against the faculty member, written with sufficient detail to enable the charged faculty member to show factual error if it exists;
2. Information that the faculty member has a right to a hearing before an impartial faculty committee;
3. A tentative date for the hearing, at least twenty (20) days after the receipt of the statement of charges;
4. Names of the members of the committee;
5. Names of witnesses and the nature of each witness' testimony against the charged party;
6. The information that hearing procedures including rights of charged party are contained in the Faculty Personnel Policy and Procedures Manual and the location of an accessible Manual.

II. Response

The faculty member so charged should state in reply whether a hearing is desired and, if so, should answer in writing not less than one week before the date for the hearing the charge(s) as stated in the President's letter.

III. Suspension

Suspension of the faculty member during the proceedings involving the faculty member is justified only if immediate harm to the faculty member or others

is threatened by continuance of the faculty member. Unless legal considerations forbid, any such suspension should be with pay.

IV. The Hearing Committee

The Hearing Committee shall be composed of five (5) faculty members appointed by the President of the University from the panel of twelve elected for service on the University-wide Committee on Faculty Policies and Procedures. (Seven members shall be appointed initially, subject to challenges provided in V(3).) The choice of members of the Hearing Committee shall be on the basis of the regard in which they are held in the academic community. The committee shall elect its own chairman.

V. Procedure

If the faculty member has not requested a hearing, the committee shall meet and consider the case on the basis of the obtainable information, and decide whether the faculty member should be removed.

When a hearing has been requested, the committee shall proceed by considering the statement of grounds for dismissal already formulated and the faculty member's response written before the time of the hearing.

The President shall have the option of attendance during the hearing. The President may designate an appropriate representative to assist in developing the case, but the committee shall determine the order of proof, conduct the questioning of witnesses, and, if necessary, secure the presentation of evidence important to the case.

The committee may, with the consent of the parties concerned, hold joint pre-hearing meetings with the parties in order to (1) simplify the issues; (2) affect stipulations of facts; (3) provide for the exchange of documentary or other information; and (4) achieve such other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

The committee hearing shall be governed by the following rules and regulations:

1. The committee, in consultation with the President and the faculty member, shall exercise its judgment as to whether the hearing should be public or private.

2. During the proceedings, the faculty member shall be permitted to have an academic advisor and counsel of the faculty member's own choice.

3. The charged faculty member shall strike two members of the committee, with or without cause. For good cause shown, further strikes shall be allowed. Replacements shall come from the elected panel.

4. At the request of either party or the Hearing Committee, a representative of a responsible educational association shall be permitted to attend the proceedings as an observer.

5. A verbatim record of the hearing or hearings shall be taken and a typewritten copy shall be made available to the faculty member, without cost, at the faculty member's request.

6. The hearing committee shall grant adjournments to either party to enable them to investigate evidence to which a claim of surprise is made.

7. The faculty member shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration shall cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.

8. The faculty member and the administration shall have the right to confront and cross-examine all witnesses. Where the witness cannot or will not appear but the committee determines that the interests of justice require admission of their statement, the committee shall identify the witnesses, disclose their statement, and if possible, provide for interrogation.

9. In the hearing of charges of incompetence, the testimony shall include that of qualified faculty members from this or other institutions of higher learning.

10. The Hearing Committee will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved.

Every possible effort shall be made to obtain the most reliable evidence available.

11. The findings of fact in the decision shall be based solely on the hearing record.

12. The burden of proof that adequate cause exists rests with the institution and shall be satisfied only by clear and convincing evidence and the record considered as a whole.

13. Except for such simple announcements as may be required, covering the time of the hearing and similar matters, public statements and publicity about the case by either the faculty member or administrative officer shall be avoided so far as possible until the proceedings have been completed. The President and the faculty member shall be notified of the decision in writing and shall be given a copy of the record of the hearing.

VI. Committee decision

After the hearing is concluded, the committee shall meet to reach its conclusion. The committee will report to the President whether or not adequate cause for dismissal has been established by the evidence in the record. If the Hearing Committee concludes that adequate cause for dismissal has been established but that an academic penalty less than dismissal would be more appropriate, it will so recommend with supporting reasons.

VII. President's decision

The President shall consider only evidence that was presented during the hearing. If the President rejects the report of the committee, the reasons for doing so shall be stated in writing to the committee and the faculty member. The decision of the President is *final;* however, this shall not preclude the faculty member from seeking recourse from appropriate state or federal agencies or courts.

Appendix B
Grievance Procedures

I. Filing a Grievance

When a faculty member has been unable to obtain a satisfactory solution to a grievance, formal grievance procedures may be initiated by the faculty member by filing a written grievance with the appropriate academic vice president and requesting that a grievance committee be convened. The written grievance should state in detail the facts from which the grievance arose and the results of any preliminary attempts to solve the problem.

When a vice president receives a written grievance and request to convene a grievance committee, the vice president shall establish a committee from the grievance committee panel under procedures set out below.

II. The Grievance Panel

Each academic year the faculty of each school at the University, except the graduate school, shall elect three faculty members to serve on a standing University-wide grievance panel until the successor panel has been elected the following academic year. The election for each school shall be coordinated by the Dean of the school in accordance with a procedure adopted by the school's Faculty Affairs Committee. The names of those elected from the various schools shall be arranged alphabetically to create a panel from which grievance committees may be appointed. Service on grievance committees shall be automatically rotated. Each grievance committee shall be made up of three members of the standing panel. The first grievance committee of any academic year shall be made up of the first three names on the alphabetically listed panel.

The vice president shall notify those three members of the panel who are next in line for service by letter and include a copy of the grievance. Any member of the committee who feels that an impartial decision on a particular matter cannot be rendered by such member because of personal involvement with any of the parties, a particular school or a department involved shall so state to the vice president within five days of receipt of the appointment. The vice president will then appoint the next person(s) on the rotating panel as a replacement.

When a committee of three is obtained, the vice president shall so notify the grievant. The grievant shall be allowed to challenge the service by any member of the committee who in the opinion of the grievant cannot consider the grievance impartially. Should the grievant elect to exercise this right, the grievant should notify the appropriate vice president, and if the vice president concurs, the challenged member shall be excused. The vice president will then notify the next name on the panel to serve on the committee. This process may continue until a committee of three has been established.

The committee shall elect its chairperson.

The academic vice presidents shall coordinate with each other to assure appointment from the panel in the proper order.

III. Grievances based on the Affirmative Action Program

A. Character of the proceedings

Section IV G of the UAB Affirmative Action Program provides that persons who feel that they have been the object of discriminatory treatment in violation of the Affirmative Action Program may utilize the grievance procedure. It is the role of the grievance committee to investigate the complaint as presented to the committee by the grievant, to obtain all facts in the dispute and to come to a conclusion whether the grievant had good cause to complain. A grievance committee convened pursuant to the Affirmative Action Program must come to a conclusion as to whether the procedures and the rules, regulations, and standards of the involved administrative unit have been applied in a discriminatory manner. This may sometimes necessitate an examination of the qualifications of a grievant in relation to those of other academic personnel in the grievant's department, but the committee should refrain from making the grievance procedure a review and assessment of the professional qualifications of the grievant, as it is not within the scope of any grievance committee to make an evaluation of the professional qualifications of the grievant. That is the responsibility of the appropriate peer group, administrator and consultants within the concerned department and school.

B. Rights and responsibilities of the grievant

1. The grievant shall state the grievance, listing

the specific items on which the allegations of discrimination are based and naming those charged with discrimination.

2. The grievant may be represented by counsel.
3. The grievant shall be allowed to present any available witnesses or documents. The grievant may request that the committee call witnesses or produce documents that are unavailable to the grievant.
4. The grievant may be present and hear any witnesses the committee wishes to call, to question those witnesses and to inspect and rebut other statements considered.

C. **Rights and responsibilities of the charged parties**

1. Persons charged with discrimination by the grievant shall be allowed to present any available witnesses or documents.
2. Charged parties may be present and hear and question all witnesses and to inspect and rebut other statements considered.
3. Charged parties may be represented by the Office of University Counsel.

D. **Rights and responsibilities of the grievance committee**

1. The grievance committee shall limit its investigation to the issue of discrimination and has the right to exclude any portion of the grievance which in their opinion is not a proper subject for an affirmative action grievance. The grievance committee may request that the grievant resubmit the grievance with more specificity if, in the opinion of the committee, the nature of the grievance is not clearly defined.
2. The committee may hold preliminary meetings with the grievant and other parties to schedule the hearing and appearance of witnesses, provide for exchange of documents, and to achieve other appropriate objectives to make the grievance procedure fair, effective, and expeditious.
3. The committee may question the grievant and any witnesses whom the grievant wishes to present.

4. The committee may call any other witnesses necessary to the collection of all relevant facts. The committee shall have access to and may consider any University records which are pertinent to the proceeding.
5. The committee must give at least fifteen (15) days' notice to the grievant of the time and the date at which the hearing is to begin and the location of the hearing. The chairperson of the committee shall work with the grievant in establishing times for appearance of witnesses to be presented by the grievant.
6. A record of the proceedings shall be kept.
7. The formal rules of evidence shall not be applicable.
8. The committee shall be guided in its decision only by the evidence presented at the hearing.
9. A grievance hearing shall be confidential and only those concerned shall be included in the grievance hearing.

E. The committee report

When the hearing is concluded the committee shall summarize the evidence that was heard and the conclusions the committee reached. Copies of the report shall be sent to the grievant and to the vice president who convened the committee. The vice president shall seek to resolve the grievance and in doing so shall give considerable weight to the report of the grievance committee.

F. Final action

If the grievance has not been resolved within thirty (30) days after the vice president has received the report, the grievant may appeal to the President of the University. The vice president shall then forward to the President the committee report along with his recommendation. The President shall act within thirty (30) days after receiving the report and in so doing shall give considerable weight to the report of the committee. Should the President's action be inconsistent with the report of the grievance committee, the President shall state his reasons to the committee and the grievant.

IV. All Grievances other than Affirmative Action

A. Character of the proceeding

The grievance procedure is not an administrative

hearing such as that afforded to persons who have been dismissed; therefore, the grievance procedure does not include all of those due process rights required in administrative hearings very much like court proceedings. It is the role of the grievance committee to investigate the complaint as presented to the committee by the grievant, to obtain all the facts in the dispute, and to come to a conclusion as to whether the grievant had good cause to complain. In grievances concerning the terms of faculty appointment, promotion, non-reappointment or the award of tenure, the role of the grievance committee is to determine whether the grievant has had all of the benefits of the procedures afforded by the grievant's contract and the university, college, school and department rules and regulations, and whether the decision which forms the basis for the grievance was the result of adequate consideration in terms of the relevant standards of the university, college, school and department. It is not within the scope of any grievance committee to make judgments on the professional qualifications of the grievant. That is the responsibility of the appropriate peer group, administrator and consultants within the concerned department and school.

B. Rights and responsibilities of the grievant

1. The grievant shall state his grievance with specificity.
2. It is the responsibility of the grievant to present all the facts and to prove the merits of the grievance. To this end, the grievant shall be allowed to present any witnesses or documents on the grievant's own behalf.
3. The grievant shall not be represented by counsel.
4. Formal rules of evidence shall not be applicable.

C. The responsibilities of the grievance committee

1. The committee shall give fifteen (15) days notice of the time and date at which the hearing is to begin and the location of the hearing. The chairperson of the committee shall work with the grievant in establishing times for appearance of witnesses to be presented by the grievant.

2. The committee may hold one or more preliminary meetings with the grievant and other parties to schedule the hearing and appearance of witnesses, provide for exchange of documents, and to achieve other appropriate objectives to make the grievance procedure fair, effective, and expeditious.
3. The committee may question the grievant and any witnesses the grievant wishes to present.
4. The grievance committee may call such witnesses and examine such documents as it considers necessary.
5. A record of the proceedings shall be kept.
6. A grievance hearing shall be confidential and only those concerned should be included in the grievance hearing.
7. The committee shall be guided in its decision only by the evidence presented at the hearing.

D. The committee report

When the hearing is concluded the committee shall summarize the evidence that was heard and the conclusions the committee reached. Copies of the report shall be sent to the grievant and to the vice president who convened the committee. The vice president shall seek to resolve the grievance and in doing so shall give considerable weight to the report of the grievance committee.

E. Final action

If the grievance has not been resolved within thirty (30) days after the vice president has received the report, the grievant may appeal to the President of the University. The vice president shall then forward to the President the committee report along with his recommendation. The President shall act within thirty (30) days after receiving the report and in so doing shall give considerable weight to the report of the committee. Should the President's action be inconsistent with the report of the grievance committee, the President shall state his reasons to the committee and the grievant.

Appendix C

Termination of a Faculty Member Due to a Bona Fide Financial Exigency

I. Termination of a tenured or non-tenured faculty member due to a *bona fide* financial exigency is commenced by furnishing to the faculty member one year in advance of the expected termination date a letter from the President of the University containing a statement that the appointment will be terminated due to a *bona fide* financial exigency. The letter should contain the following information:

(1) A statement of specific reasons for termination, providing names of those persons upon whose judgment and advice the decision to terminate has been made and/or documents on which the University has relied in making the termination decision.

(2) Information that the faculty member has a right to a hearing before an impartial committee and that such right may be exercised by notifying the President within thirty days of the receipt of notice of termination that a hearing is desired.

(3) The information that hearing procedures are contained in the Faculty Personnel Policy and Procedures Manual and the location of an accessible manual.

II. The Hearing Committee

If a faculty member requires a hearing, a hearing shall be conducted by the Committee on Faculty Policies and Procedures. University Counsel, normally a permanent non-voting member of the committee, shall not sit on this Committee in hearings of this nature.

III. Procedure

The Committee chairman shall notify the faculty member by mail of the date, place, and time of hearing, to be set no later than thirty days after the receipt of the request for hearing. The notification shall also contain the names of the hearing committee members.

The Committee may, with the consent of the parties concerned, hold joint prehearing meetings with the parties in order to (1) simplify the issues, (2) effect stipulations of facts, (3) provide for the exchange of documentary or other information, and (4) achieve such other appropriate prehearing objectives as will make the hearing fair, effective and expeditious.

The Committee shall be governed by the following rules and regulations:

(1) The Committee in consultation with the President and the faculty member shall exercise its judgment as to whether the hearing shall be public or private.

(2) During the proceedings the faculty member shall be permitted to have an advisor or counsel of the faculty member's own choice.

(3) The University shall be represented by the Office of the University Counsel.

(4) A verbatim record of the hearing or hearings shall be taken and a typewritten copy shall be made available to the faculty member, without cost, at the faculty member's request.

(5) The hearing committee shall grant adjournments to either party to enable them to investigate evidence to which a claim of surprise is made.

(6) The faculty member shall be afforded the opportunity to obtain necessary witnesses and documentary or other evidence. The administration shall cooperate with the hearing committee in securing witnesses and making available documentary and other evidence.

(7) The faculty member and the administration shall have the right to hear and cross-examine all witnesses.

(8) The hearing committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issue involved.

(9) Findings of fact in the decision shall be based solely on the hearing record.

(10) The burden of proof that there is, in fact, a *bona fide* financial exigency rests with the

institution and shall be satisfied only by clear and convincing evidence and the record considered as a whole.

IV. Committee Decisions

After the hearing is concluded the Committee shall meet to reach its conclusion. The Committee shall report to the President whether or not a *bona fide* and demonstrable financial exigency has been established by the evidence in the record.

V. The President's Decision

The President shall consider only evidence that was presented during the hearing. If the President rejects the report of the Committee, the reasons for so doing shall be stated in writing to the Committee and the faculty member. The decision of the President is final; however, this shall not preclude the faculty member from seeking recourse from appropriate state or federal agencies or courts.

Appendix D

Patent Policy

In view of the increase in and diversification of the University's research efforts, periodic changes in the patent policy, as stated below, will be necessary to comply with obligations undertaken with Federal agencies. Current information may be obtained from the Patent Administrator of the University.

In veiw of the far-reaching research in the various divisions of the University, it is inevitable that new discoveries and inventions will be made. The University recognizes that the protection and control provided under the patent laws may have to be invoked to obtain the greatest public benefit and usefulness from the products of scientific research. It is recognized that employees of the University need assistance in determining and evaluating patentability and in prosecuting patent application of inventions made by them. Many such inventions involve equities beyond those of the inventor since the use of University facilities, the assignment of duties as a condition of employment, and the use of research funds with contractual obligations regarding patent rights give rise to complicated questions concerning rights and equities of all parties concerned.

(1) The President of the University shall appoint a University Patent Committee composed of members representative of the entire University to administer the policies of the Committee. This Committee and the Patent Administrator shall serve at the pleasure of and their actions shall be subject to the approval and right of review of the President of the University.

(2) Subject to the approval of the President of the University, the Patent Committee shall have power to adopt such rules and procedures as are deemed appropriate; to determine the interest of the University in all reported inventions, to cause all reported inventions to be investigated in order to evaluate the interest of the University in said invention (with due consideration given to the achievement of the inventor and the financial returns to the inventor and the University); to authorize the Patent Administrator to execute a release when the Patent Committee decides that the University has no interest in the invention or decides that the University does not desire to pursue the patenting or

development of the patent; to authorize applications for patents on reported inventions and to retain patent counsel in association for matters pertaining to patent applications and to make recommendations to the President of the University with regard to the prosecution and protection thereof and any litigation that may arise therefrom. The Patent Committee shall also have power to do all things appropriate for the investigation of patent rights and for the exploitation of patent rights by direct exercise, exclusive or non-exclusive licensing, and make recommendations to the President of the University with regard to partial or total assignment or sale thereof. All questions concerning the methods by which the patent shall be commercially exploited shall be decided by the Patent Committee.

(3) All faculty members and University employees, both while employed by the University and thereafter, shall report to the Patent Committee any invention or discovery which they have conceived or developed or which has been conceived or developed under their direction during their University employment.

(4) Any such invention or discovery (a) which is the result of research carried on by or under the direction of any employee of the University and/or having costs thereof paid from University funds or from funds under the control or administered by the University; or (b) which is made by any employee for the University which relates to the inventor's field of work at the University; or (c) which has been developed in whole or in part by the utilization of the University resources or facilities belonging to the University shall be assigned to the University or a University-designated non-profit organization established for its benefit. In other situations, the Patient Committee should determine that the University has no interest in the invention or discovery. Releases shall be executed by the Patent Administrator when the Patent Committee decides that the University has no interest in the patent or does not desire to pursue the patenting of the invention.

(5) The Patent Committee shall cause each invention or discovery to be investigated in order to determine the interest of the University and, if the Patent Committee determines that the University has an interest in the invention, the Committee shall consider the benefits that might accrue to both the University and the inventor. The Patent Committee and the Patent

Administrator are responsible for prompt action for the purpose of protecting the property rights of the inventor and the University.

(6) As further consideration for the assignment rights set forth herein, the University agrees to pay annually to the inventor, and heirs and assigns of the inventor, fifty percent (50%) of the royalties, fees, or other financial returns received by the University from such inventions after a deduction of fifteen percent (15%) thereof for overhead costs, plus a deduction for costs of patenting and protection of patent rights. Recoupment of any unusual expenses paid by the University or the inventor may be allowed by the Patent Committee on patents assigned to the University or to a University designated non-profit organization established for its benefit.

(7) The above policy shall not preclude the properly designated University officials from approving and executing research proposals, contracts, grants, and consulting agreements from or with the United States Government or its agencies, from or with corporations, or from or with individuals wherein the University's patent interest and the patent interest of the researcher, with approval of the researcher, are at variance with the above paragraphs; and the terms of said contracts, grants, and agreements shall prevail. Any of the above University officials may refer said proposals, grants, contracts or agreements to the Patent Committee for recommendations prior to approval. To the extent the provisions of these proposals, contracts, grants, and agreements permit, the University shall administer such patents to provide exclusive licensing or on a royalty-free or on a reasonable royalty basis. Exclusive licensing may be utilized for limited periods when further development is needed or investment or risk capital is not readily available or there is no other incentive for the development of the invention.

(8) This statement of policy shall not apply to copyrights, except as they may pertain to inventions covered by this policy.

Appendix E

Computer Program Development Policy

A major part of the normal duties of programmers and programmer supervisors in the employ of UAB, both in the Computer Facility and elsewhere, is the development of programs and program packages to meet the computing needs of UAB administrative, teaching, and research units. The development of these programs, coordination of programming tasks and maintenance and adaptation of existing programs, developed here or elsewhere, is the primary reason for their employment.

When a program or program package has been developed by programmers within one of the computer facilities of the UAB, all rights to the program or program packages are owned by The University of Alabama in Birmingham. Depending on particular circumstances, The University of Alabama in Birmingham may enter into agreement to sell or license these programs. Revenues will normally accrue to the specific computer facility that originated the program.

If a program or program package is developed and/or marketed by UAB employee(s) and the development occurred outside the normal requirements of the job(s) of the developer(s), it may be appropriate for the facility supervisor to request the appropriate vice president to approve a variant agreement which provides for the division of the income produced between UAB and the specific UAB computer facility involved, and the individual developer(s) in a manner similar to the UAB patent policy. In this case, the existence of circumstances unusual enough to warrant this variation will be documented. A detailed recommendation noting the proposed division of income will be forwarded by the supervisor of the UAB computer facility at which the program(s) was/were produced through the head of the UAB Computer Facilities. Final determination will be approved by the appropriate vice president.